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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/032,979	11/02/2001	Timothy M. O'Neil	PA1638US	8690
22830	7590	08/09/2005	EXAMINER	
CARR & FERRELL LLP 2200 GENG ROAD PALO ALTO, CA 94303			PHAM, BRENDA H	
			ART UNIT	PAPER NUMBER
			2664	

DATE MAILED: 08/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/032,979	O'NEIL, TIMOTHY M.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Brenda Pham	2664	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 02 November 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 November 2001 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>05/02/02/02</u> .   | 6) <input type="checkbox"/> Other: _____                                    |

### DETAILED ACTION

1. Claims 1-23 are pending in this application.

#### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Vance et al (US 6,411,605 B1).

Claims 1, 14, Vance et al disclose a system for ensuring availability of network resources for conference calls, comprising (**referring to figure 1 and 2**): endpoints (**14, 16, 18 of figure 1**) that request the conference calls' a resource scheduler (**26 of figure 1**) for receiving the conference call requests **{the scheduler receives access requests from network users who desire to schedule a conference call (column 5, lines 39-41)}**; a gatekeeper (**28, 30, 32 of figure 1**) communicatively coupled to the resource scheduler (26) for managing the network resources **{In response to the received scheduling request, the scheduler accesses a database of scheduling information to determine whether resources are available (column 6, lines 8-20)}**.

Claims 2, 15, Vance et al further teaches wherein the gatekeeper (30, 32 of figure 1) includes a connectivity policy module (30, 32) for maintaining network policies (column 6, lines 8-20).

Claim 3, Vance et al further teaches wherein the network policies include call authorization policies {In order to control access to the scheduling system via the Internet, it is desirable to identify the users who will be allowed to schedule conference calls or make changes to scheduled conference calls (column 5, lines 19-35)}.

Claims 4, Vance et al teach wherein the network policies include call management policies (see column 19-35).

Claim 5, Vance et al furthermore teaches wherein the network policies include network bandwidth management policies {If the resources are available, then the scheduler schedules the conference call by reserving the available resources, updates the scheduling database to reflect the unavailable status of the reserved resource at the time of the conference call and reports the conference call information. The conference call information, may include (time, date, duration etc.) as well as information for accessing the bridge resources.}

Claim 6, Vance et al further teaches wherein the gatekeeper manages the network resources based on the conference call requests and the network policies {In response to the received scheduling request, the scheduler access a database of scheduling information to determine whether resources are available. In this regard, the scheduler determines what resources are necessary (based on, for

**example, the number of participants, the time of the call and the duration of the call) and compares this information to the current state of the database to determine whether appropriate resources are available. If the resources are not available, the scheduler may transmit a resources unavailable message to the user and return the user to the scheduling request prompts. Alternatively, the scheduler may propose an alternative conference schedule based on available resource. If the resources are available, then the scheduler schedules the conference call by reserving the available resources, updates the scheduling database to reflect the unavailable status of the reserved resource at the time of the conference call and reports the conference call information. The conference call information may include the scheduling information (time, date, duration etc.), (column 6, line 7-30).}**

Claims 7, 16, 17, Vance et al teaches wherein the gatekeeper (26, 28, 30, 32 of **figure 1**) includes a bandwidth module (32 of **figure 1**) communicatively coupled to the connectivity policy module (**scheduler 26**) for determining network bandwidth availability for the conference call requests {column 6, lines 8-10, “In response to the received scheduling request, the scheduler accesses a database (32) of scheduling information to determine whether resources are available”}.

Claims 8, 9, and 10, Vance et al teaches wherein the gatekeeper (28, 30, 32) includes a call authorization (**user database 30**) and management module (**part of user database 30, not shows**) communicatively coupled to the bandwidth module (**scheduler database 32**). {As illustrated in FIG. 2, includes establishing a user

**database of authorized user, to facilitate entry of a list of participants, the scheduler may be programmed to receive participant information from other application such as electronic address books, (column 5, lines 18-67)}**

Claims 11, 12, 18 and 19, Vance et al further teach that wherein management of the network resources includes determining if sufficient network resource are available to connect the conference calls associated with the conference call requests **{In response to the received scheduling request, the scheduler accesses a database of scheduling information to determine whether resources are available...If the resources are available, then the scheduler schedules the conference call by reserving the available resourcem updates the scheduling database to reflect the unavailable status of the reserved resources at the time of the conference call and reports the conference call information. (column 6, lines 7-30).}**

Claims 13 and 20, Vance et al further teaches wherein if the gatekeeper determines that sufficient network resources are unavailable to connect the conference calls at requested times, the resource scheduler notifies the endpoints of alternate times for requesting conference calls. **{If the resources are not available, the scheduler may transmit a resource unavailable message to the user and return the user to the scheduling request prompts. Alternatively, the scheduler may propose an alternative conference schedule based on available resource (column 6, lines 15-20)}.**

Claim 21, Vance et al discloses a system for ensuring availability of network resources for a conference call, comprising (referring to figure 2): means for requesting

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the conference call (interface with internet); means for receiving the conference call request (receive access request); means for accessing a connectivity policy module, the connectivity policy module having connectivity policies (Authenticated?); means for determining available network resources (resources available?); means for determining if sufficient network resources are available to connect the conference call based on connectivity policies, the conference call request, and the available network resources (see figure 2).

Claim 22, Vance et al discloses a system for allocating network resource for conference calls, comprising: a plurality of local area network (column 4, lines 34-46); a plurality of endpoints (14A, 14B, 16A, 16B, 18A, 18B) coupled to the local area networks for requesting conference calls; a resource scheduler (26) coupled to the local area networks for scheduling the conference calls; and a gatekeeper (28, 30, 32) coupled to the resource scheduler (26) for allocating the network resources to the conference calls.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Vance et al (US 6,411,605 B1) in view of Bruno et al (US 5,784,561)

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Claim 23, Vance et al disclose a discloses a system for allocating network resource for conference calls as explained in the rejection station of claim 22 (parent claim), although Vance et al does not teach wherein each of the plurality of endpoints is a videoconference-enabled device, this claim limitation is well known in the art and is teach by Bruno et al.

Therefore, it would have been obvious to those having ordinary skill in the art at the time of the invention was made to configure the a video conference system such as that teach by Bruno et al, in Vance et al to provide video conference.

### ***Conclusion***

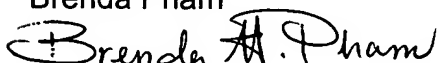
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brenda Pham whose telephone number is (571) 272-3135. The examiner can normally be reached on Monday-Friday from 9:00 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin, can be reached on (571) 272-3134.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2600.

July 29, 2005

Brenda Pham

A handwritten signature in black ink that reads "Brenda A. Pham". The signature is written in a cursive style, with the first name "Brenda" being more prominent and the last name "Pham" following it. There is a small mark above the "A" in "Pham".